

Senate File 384 - Enrolled

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SENATE FILE 384

AN ACT

RELATING TO STATUTE OF LIMITATIONS PROVISIONS RELATING TO
MINORS AND PERSONS WITH MENTAL ILLNESS AND TORT CLAIMS
AGAINST A MUNICIPALITY AND PROVIDING AN APPLICABILITY
DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 216.15, subsection 12, Code 2007, is
amended to read as follows:

12. ~~A Except as provided in section 614.8, a claim under~~
this chapter shall not be maintained unless a complaint is
filed with the commission within one hundred eighty days after
the alleged discriminatory or unfair practice occurred.

Sec. 2. Section 614.8, Code 2007, is amended to read as
follows:

614.8 MINORS AND PERSONS WITH MENTAL ILLNESS.

1. The times limited for actions in this chapter, ~~or~~
~~chapter 216, 669, or 670,~~ except those brought for penalties
and forfeitures, are extended in favor of persons with mental
illness, so that they shall have one year from and after the
termination of the disability within which to file a complaint
pursuant to chapter 216, to make a claim pursuant to chapter
669, or to otherwise commence an action.

2. Except as provided in section 614.1, subsection 9, the
times limited for actions in this chapter, ~~or chapter 216,~~
~~669, or 670,~~ except those brought for penalties and
forfeitures, are extended in favor of minors, so that they
shall have one year from and after attainment of majority
within which to file a complaint pursuant to chapter 216, to
make a claim pursuant to chapter 669, or to otherwise commence
an action.

Sec. 3. Section 668.10, Code 2007, is amended to read as
follows:

668.10 GOVERNMENTAL EXEMPTIONS.

1. In any action brought pursuant to this chapter, the
state or a municipality shall not be assigned a percentage of
fault for any of the following:

~~1-~~ a. The failure to place, erect, or install a stop
sign, traffic control device, or other regulatory sign as
defined in the uniform manual for traffic control devices
adopted pursuant to section 321.252. However, once a
regulatory device has been placed, created, or installed, the
state or municipality may be assigned a percentage of fault
for its failure to maintain the device.

~~2-~~ b. The failure to remove natural or unnatural
accumulations of snow or ice, or to place sand, salt, or other
abrasive material on a highway, road, or street if the state
or municipality establishes that it has complied with its
policy or level of service for snow and ice removal or placing
sand, salt, or other abrasive material on its highways, roads,
or streets.

~~3-~~ 2. For In any action brought pursuant to this chapter,
the state shall not be assigned a percentage of fault for
contribution unless the party claiming contribution has given
the state ~~or municipality~~ notice of the claim pursuant to
~~sections section 669.13 and 670.5.~~

Sec. 4. Section 669.13, subsection 1, Code 2007, is
amended to read as follows:

1. ~~A Except as provided in section 614.8, a claim or suit~~
otherwise permitted under this chapter shall be forever
barred, unless within two years after the claim accrued, the
claim is made in writing and filed with the director of the
department of management under this chapter. The time to
begin a suit under this chapter shall be extended for a period
of six months from the date of mailing of notice to the
claimant by the attorney general as to the final disposition
of the claim or from the date of withdrawal of the claim under
section 669.5, if the time to begin suit would otherwise
expire before the end of the period.

Sec. 5. Section 670.5, Code 2007, is amended to read as

3 4 follows:

3 5 670.5 LIMITATION OF ACTIONS.

3 6 ~~Every Except as provided in section 614.8, a person who~~
3 7 ~~claims damages from any municipality or any officer, employee~~
3 8 ~~or agent of a municipality for or on account of any wrongful~~
3 9 ~~death, loss, or injury within the scope of section 670.2 or~~
3 10 ~~section 670.8 or under common law shall commence an action~~
3 11 ~~therefor within six months, unless said person shall cause to~~
3 12 ~~be presented to the governing body of the municipality within~~
3 13 ~~sixty days after the alleged wrongful death, loss or injury a~~
3 14 ~~written notice stating the time, place, and circumstances~~
3 15 ~~thereof and the amount of compensation or other relief~~
3 16 ~~demanded two years after the alleged wrongful death, loss, or~~
3 17 ~~injury. Failure to state time or place or circumstances or~~
3 18 ~~the amount of compensation or other relief demanded shall not~~
3 19 ~~invalidate the notice; providing, the claimant shall furnish~~
3 20 ~~full information within fifteen days after demand by the~~
3 21 ~~municipality. No action therefor shall be maintained unless~~
3 22 ~~such notice has been given and unless the action is commenced~~
3 23 ~~within two years after such notice. The time for giving such~~
3 24 ~~notice shall include a reasonable length of time, not to~~
3 25 ~~exceed ninety days, during which the person injured is~~
3 26 ~~incapacitated by the injury from giving such notice.~~

3 27 Sec. 6. APPLICABILITY. This Act applies to all
3 28 complaints, claims, and actions arising out of an alleged
3 29 death, loss, or injury occurring on or after July 1, 2007.

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JOHN P. KIBBIE
President of the Senate

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PATRICK J. MURPHY
Speaker of the House

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4 6 I hereby certify that this bill originated in the Senate and
4 7 is known as Senate File 384, Eighty-second General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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Approved _____, 2007

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CHESTER J. CULVER

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Governor